

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Consideration of Waivers of 703 KAR 5:020, Affecting Grade Configurations for Bath and Meade Counties

Applicable Statute or Regulation:

KRS 156.160, 158.645 -158.6455, 703 KAR 5:020 Section 4 (3)

Action Question:

Should the Kentucky Board of Education approve the requests for a waiver related to school grade configuration as provided for in KRS 156.160 and 703 KAR 5:020, Section 4 (3), for schools in Bath and Meade Counties?

History/Background:

Existing Policy. According to KRS 156.160, the Kentucky Board of Education may approve the request for a waiver to any administrative regulation when: (1) a school district or school has demonstrated circumstances where an alternative approach will achieve the same result required by the administrative regulation; (2) implementation of the regulation will cause a hardship on the school district or school, or jeopardize the continuation or development of programs; or (3) there is a finding of good cause for the waiver. This statute defines circumstances related to state required assessments and school accountability that shall not be subject to waiver, but grade configuration is stated as an exception to these limitations.

Two such waivers are now being requested. The affected districts are Bath and Meade Counties.

DISTRICTS REQUESTING WAIVERS

Bath County

Bath County Schools consist of three elementary schools containing primary through grade 4, one middle school containing grades 5 through 8, and one high school containing grades 9 through 12. Under a strict interpretation of current regulation (703 KAR 5:020 Section 4), Bethel, Owingsville and Salt Lick Elementary Schools, which each contain primary through grade 4 and Bath County Middle School, which contains grades 5 through 8, would be treated as one unit for accountability purposes. Because the three elementary schools and the middle school would like to be treated differently for accountability purposes than would be required by current regulation, department staff communicated with district staff to review possible alternatives to the current situation. School staff considered the ways in which the schools interact within this complex educational environment and various options have been considered. A request of how the district desires accountability to be applied has resulted. Each elementary school would be accountable for its

student population and grade configuration with the addition of the 5th grade scores for students that would have been served by the elementary school had facility resources allowed the elementary schools to house the district's 5th grade population. Bethel, Owingsville and Salt Lick Elementary Schools serve primary through grade 4 because space does not permit the 5th grade to remain in these facilities.

The proposed solution would be to send the 5th grade student academic and the appropriate percentage of the nonacademic data from Bath County Middle School back to the appropriate elementary school since this would be the school that would have served the specific children had the elementary schools been able to accommodate a 5th grade program. Thus, Bethel, Owingsville and Salt Lick Elementary Schools would be accountable for the appropriate proportion of the 5th grade academic and nonacademic data generated at Bath County Middle School. The nonacademic index for each of the elementary schools would be based on the nonacademic data from the grades served plus the appropriate percentage of the 5th grade nonacademic data generated at Bath County Middle School. Bethel, Owingsville and Salt Lick Elementary Schools' nonacademic data would be based on grades primary through grade 5. Bath County Middle School would base its nonacademic data on all of the students enrolled in grades 6 through 8.

In considering this request, the school-based council in each school has agreed that no appeal of the school's performance judgment would be a result of this waiver or in any way have as its basis the fact that the school's accountability is based on these configurations.

Note: This request is similar to the LaRue County waiver previously approved by the Kentucky Board of Education, which treats three elementary schools housing grades P-4 as "P-5" schools by allowing the 5th grade data from the intermediate school to be tracked back to the appropriate elementary school.

Meade County

Meade County has five elementary schools that contain grades P-6, one elementary school containing grades 4-6 and one "primary only" school at the elementary level. This request concerns James R. Allen Primary, which is considered a feeder school for David T. Wilson Elementary that serves grades 4-6. When such a school *feeds* its students into a school with accountability grades, the school is combined with the school having the missing grades its students subsequently attend, forming a single school accountability unit. In this case, a strict interpretation of the regulation means that the James R. Allen Primary and David T. Wilson Elementary Schools would share the same performance judgment. (703 KAR 5:020 Section 4).

703 KAR 5:020 Section 4 states:

- “(1) For the Kentucky Core Content Test, if a school does not have grades four (4) and five (5) at the elementary level,..., the school shall be combined with the school or schools having the missing grades(s) its students previously attended or would subsequently attend, forming a single school accountability unit, for both state and federal school accountability purposes.***
- (2) A school that does not contain a grade at which the national norm-referenced test is administered shall have its accountability index calculated using only the weights***

specified as component one (1) of the index in Section 3 of this administrative regulation...”

Since, according to this regulation, the performance judgments rendered for the combined primary and elementary buildings would not include the norm-referenced test (NRT) data generated at the primary level, the district is requesting that the NRT data and the nonacademic data that is generated at the primary school be included in the accountability calculations that result in the performance judgment shared by both the primary school and the elementary school that the students would subsequently attend.

Staff Recommendation(s) and Rationale(s):

Staff recommends approval of the requested waivers. Because the proposals described for each school will include the most appropriate data in the accountability calculations for these schools, the requested waivers of the grade configuration requirement of 703 KAR 5:020 should be granted.

Impact on Getting to Proficiency:

These waivers clarify how specific schools and staffs will be included in the school accountability system, which defines their status relative to Getting to Proficiency.

Groups Consulted:

Those consulted include the superintendents and district assessment coordinators in each district, as well as the school-based councils in each school. The Department of Education is of the understanding that the staffs and councils of these schools are informed of the proposed solutions, and considering the various alternatives available, are in general agreement with the above proposals.

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